

Draft

APPLICABILITY OF FEDERAL DUAL COMPENSATION AND EMPLOYMENT STATUTES TO MEMBERS OF FLEET RESERVE, RETIRED ENLISTED MEN, AND WARRANT OFFICERS

"\* \* \* The fact that a retired enlisted man may have had a period of service as a temporary commissioned or commissioned warrant officer either before or after retirement and such service may be included in the computation of longevity pay as an enlisted man or in the length of service for purposes of retirement as an enlisted man does not necessarily mean he is to be considered as receiving retired pay 'for or on account of services as a commissioned officer.' On the contrary, it would appear that, insofar as the said section 212(a) is concerned, an enlisted man who is retired as an enlisted man with the retired pay of his enlisted grade reasonably is not to be viewed as receiving retired pay for or on account of commissioned service, although such service is authorized to be counted for longevity pay as an enlisted man and toward retirement as an enlisted man, when it is considered that the service could be counted for such purposes irrespective of whether it was commissioned or enlisted service." (25 Comp. Gen. 521, 11 January 1946)

(Also see 26 Comp. Gen. 271, 28 October 1946)